

Entered - 8-9-00 - sb  
CL 00L0482 - GWENDOLYN BURNS

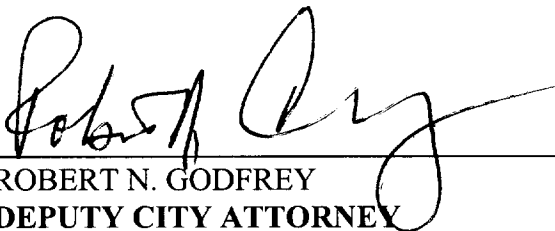
CLAIM OF:

**JANICE K. ZIVITZ**  
1384 Merrifield Lane  
Marietta, Georgia 30062

01-*R*-0284

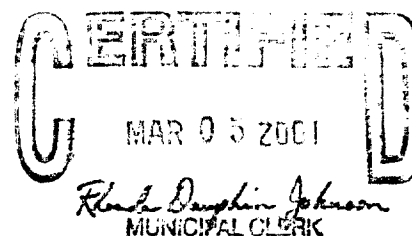
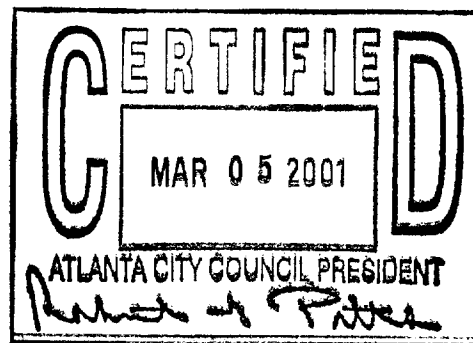
For vehicular damages alleged to have been sustained as a result  
of driving over a pot hole on April 24, 2000 at 3145 Peachtree  
Road, NE.

THIS ADVERSED REPORT IS  
APPROVED

BY:   
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL MAR 05 2001

RECEIVED  
P.S. 1A  
DATE 2/27/01  
CHM. C. T. [Signature]  
Michael [Signature]  
Denny [Signature]  
Chela [Signature]





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

March 14, 2001

Janice K. Zivitz  
1384 Merrifield Lane  
Marietta, GA 30062

01-R-0284

Dear Ms. Zivitz:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 05, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 00L0482

Date: February 13

Claimant /Victim JANICE K. ZIVITZ  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 1384 Merrifield Lane, Marietta, Georgia 30062  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 295.47 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 6/26/00 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 4/24/00 Place: 3145 Peachtree Road, NE  
Department \_\_\_\_\_ Bureau: \_\_\_\_\_ Division \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that her vehicle sustained property damage when she drove over a pot hole in the roadway. Claimant has been advised that Peachtree Road, NE is a state route and is maintained by the State of Georgia and not the City of Atlanta. Her claim has been forwarded to the Department of Transportation for resolution.

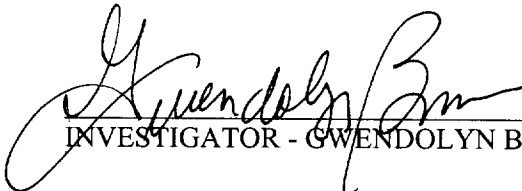
**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others X Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 02-15-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 7-6-00

Dear Municipal Clerk:

ENTERED - 8-9-00 - SB  
00L0482 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 295.47 property and/or \$ bodily injury for which I contend the City is liable.

1. Date of incident: 4-24-00 (month/day/year) 2. Time of Incident: 2:00 PM 3. Police called: Yes ☒ No ☐

4. Location of incident (including street address): Peachtree Rd + Matheson near Pharr Rd

5. Name of your insurance company: St. Paul Fire & Casualty Policy No. PK01000878

6. State what and how incident occurred: I was driving down Peachtree Rd. and fell into a huge hole in street and two of my tires blew out. I drove to The Cleaners on Maple St. and had my car towed to NTB on W. Paces Ferry.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: 1995 Lexus ES300 1999 441KYG Janice Zivitz  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: (Make) (City Driver's Name) (Department/Bureau)

9. Witness: Simon Y. 3213 Maple Dr (404) 233-5175  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Janice Zivitz  
Signature of Claimant

Janice K. Zivitz  
(Print Claimant's Name)

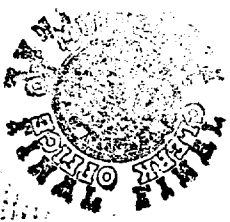
3777 Peachtree Rd. apt. 934  
(Address)

Atlanta, Ga. 30319  
(City, State and Zip Code)

404 8481616  
(Work Number) (Home Number)

New Address:

01-R-0284 1384 Merrifield Lane  
Marietta, GA. 30062



RCS# 2689  
3/05/01  
6:36 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 thru. 13

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM
Y Starnes	Y Woolard	NV Martin	Y Emmons	<u>CONSENT AGENDA</u>
Y Bond	Y Morris	B Maddox	Y Alexander	01-O-0240
Y Winslow	Y Muller	Y Boazman	NV Pitts	01-R-0307
				01-R-0346

CONSENT

**ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 01-O-0179
  2. 01-O-0348
  3. 00-O-1657
  4. 01-O-0355
  5. 01-O-0152
  6. 01-R-0190
  7. 01-R-0349
  8. 01-R-0351
  9. 01-R-0290
  10. 01-R-0304
  11. 01-R-0305
  12. 01-R-0369
  13. 01-R-0370
  14. 01-R-0297
  15. 01-R-0300
  16. 01-R-0298
  17. 01-R-0299
  18. 01-R-0251
  19. 01-R-0252
  20. 01-R-0253
  21. 01-R-0254
  22. 01-R-0255
  23. 01-R-0256
  24. 01-R-0257
  25. 01-R-0258
  26. 01-R-0259
  27. 01-R-0260
  28. 01-R-0261
  29. 01-R-0262
  30. 01-R-0263
  31. 01-R-0264
  32. 01-R-0265
  33. 01-R-0266
  34. 01-R-0267
  35. 01-R-0268
  36. 01-R-0269
  37. 01-R-0291
  38. 01-R-0292
- 

**ITEMS ADVERSED  
ON CONSENT AGENDA**

39. 01-R-0270
40. 01-R-0271
41. 01-R-0272
42. 01-R-0273
43. 01-R-0274
44. 01-R-0275
45. 01-R-0276
46. 01-R-0277
47. 01-R-0278
48. 01-R-0279
49. 01-R-0280
50. 01-R-0281
51. 01-R-0282
52. 01-R-0283
53. 01-R-0284
54. 01-R-0285
55. 01-R-0286
56. 01-R-0287
57. 01-R-0288
58. 01-R-0289